

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DIAGNOSTIC RESOURCE GROUP, L.L.C.	*	
PLAINTIFF	*	Case No.: 02-CV-3020-RDB
VS.	*	(removed from Baltimore County Circuit Court
TOSHIBA AMERICA MEDICAL SYSTEMS, INC.	*	Case #03-C-02-006016)
DEFENDANT	*	

**ANSWER AND OPPOSITION TO DEFENDANT TOSHIBA'S MOTION FOR
SUMMARY JUDGMENT AND CROSS MOTION FOR SUMMARY JUDGMENT**

Now comes Plaintiff, Diagnostic Resource Group, L.L.C., by its counsel, Samuel Sperling and the Law Office of Leonard J. Sperling, and answers and opposes the Motion for Summary Judgment filed by the Defendant, and cross moves for Summary Judgment and for reasons in support thereof states that pursuant to Rule 56 of the Federal Rules of Civil Procedure there are no disputed issues of material fact entitling Defendant to judgment as a matter of law, and, to the contrary, the facts indicate that Plaintiff is entitled to judgment as a matter of law as to liability. Plaintiff incorporates by reference all facts, exhibits and arguments in the attached Memorandum and Exhibits, and in prior pleadings filed by the Plaintiff.

WHEREFORE, your Plaintiff respectfully prays that the Defendant's Motion for Summary Judgment be denied, and the Plaintiff's Cross Motion for Summary Judgment be GRANTED.

Respectfully Submitted,

Samuel Sperling
Bar Number 024135
Law Office of Leonard J. Sperling
1777 Reisterstown Road
Commercentre West Suite 212
Baltimore, Maryland 21208
410-653-0141
Counsel for Plaintiff

PRAYER FOR HEARING

Plaintiff respectfully prays that this matter be set in for a hearing before this Honorable Court.

Samuel Sperling
SS24135

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	*	Case No.: 02-CV-3020-RDB
PLAINTIFF	*	
	*	(removed from Baltimore County
VS.	*	Circuit Court
	*	Case #03-C-02-006016)
TOSHIBA AMERICA MEDICAL	*	
SYSTEMS, INC.	*	
	*	
DEFENDANT	*	

CERTIFICATION OF SERVICE

This is to certify that on this July 25, 2003, a copy of this Answer and Opposition to Defendant Toshiba's Motion for Summary Judgment and Cross Motion for Summary Judgment was sent by first class mail, postage pre-paid to Brooke R. Schumm, III, Esquire, Counsel for Defendant.

Samuel Sperling
SS24135

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DIAGNOSTIC RESOURCE GROUP, L.L.C.

*

PLAINTIFF

*

Case No.: 02-CV-3020-RDB

VS.

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(removed from Baltimore County
Circuit Court

TOSHIBA AMERICA MEDICAL
SYSTEMS, INC.

*

Case #03-C-02-006016)

*

DEFENDANT

*

ORDER

_____ Upon consideration of the Motions for Summary Judgment:

IT IS HEREBY ORDERED, this _____, 2003, by the United States District
Court for the District of Maryland that the Motion of the Plaintiff shall be GRANTED, and that the
Motion of the Defendant shall be DENIED.

Judge